

I urge my colleagues to reevaluate what they have been doing and not to continue down this road because it is not going to go away lightly. Those on this side will use that same knife and use those same tactics in the future. We are not going to go away quietly on this when we see nominees of this ability and of this character and integrity—with sound judicial philosophies that believe in following the law and not using the bench as a forum for a personal agenda.

I conclude by expressing my appreciation to Miguel Estrada for offering himself in service. I hope he will have an opportunity in the future to serve this country which he has adopted in some other capacity—maybe even in this capacity in the future. He certainly is qualified. He would make a great judge at any number of levels. My respect for him after watching him testify and after seeing how he handled this difficult time has only increased.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Madam President, I echo the statement I made earlier today following the statement by Senator ALLEN with simply this caveat: I would say that statement is totally accurate with the exception of the fact that we now have approved an additional judge.

Now the record stands at 146 judges approved during President Bush's Presidency, and 3 have been rejected. One hundred and forty-six to three is not a bad record.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I would add that during the 8 years President Clinton was President, 377 judges were confirmed. This Senate voted down only one. Most of the time the Republicans were in the majority and we did not vote down his nominees. Forty-one were left pending when President Clinton left office. There were 54 left pending when former President Bush left office.

But anyway, I know we can talk about that off and on. But I did want to make that point.

#### MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT OF CONFEREES—H.R. 6

The PRESIDING OFFICER. Under the order of 5-31-03, the Chair appoints conferees on H.R. 6.

The Presiding Officer appointed Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS conferees on the part of the Senate.

#### HONORING GENERAL RAYMOND G. DAVIS

Mr. MILLER. Madam President, I rise today to reflect on the life of a great American, a legendary marine, and a native Georgian. I refer to GEN Raymond G. Davis, who passed away yesterday in Georgia at the age of 88.

General Davis was one of this country's greatest military heroes. He courageously served his country as a marine in World War II, in Korea, and in Vietnam during his 33 years of military service. General Davis was a noble veteran, tireless advocate, and distinguished recipient of the Medal of Honor.

I know we have a lot of very important things going on in this Chamber today, but I don't think it is too much to take 3 or 4 minutes to remember one of the great battles in military history and the role this man played in it. I refer to the Chosin Reservoir in Korea, known as the Frozen Chosin. In the biggest shock of the war, 300,000 Chinese Communist soldiers crossed the Yalu River from China into North Korea and trapped 8,000 members of the first marine division at the Chosin Reservoir. There was only one way out, an icy road that twisted around steep mountains. If the Chinese gained control of it, all of the marines would be annihilated.

Then LTC Raymond Davis was a 35-year-old Georgia Tech graduate with already two Silver Stars for heroism in Korea, and the Navy Cross, our second highest award, for gallantry at Peleiu. He commanded a battalion of marines faced with an impossible task: to get the marines on Fox Hill linked up with them or the thousands would be trapped at the reservoir and would be doomed.

That afternoon, at 24-below-zero weather, the battalion began struggling up the side of a steep ridge. Davis's men climbed 1,000 yards before the Chinese opened up. The marines kept clawing their way, inch by inch, up the icy slopes. They battled enemy soldiers who seemed tucked into every crevice. Atop the first ridge, the men's sweat froze on their eyebrows and beards. They put their wounded on stretchers and pushed on. The men rose and trudged toward still another ridge. All along, snipers picked at the slow exposed line, but there was no time for the marines to stop and fire back. They went downhill by sliding on the ice. Davis was so numb that three times he forgot a compass reading taken only moments before.

At 4 a.m. this great Georgian halted his unit. The battalion was close to Fox Company, but it lost radio contact. Trying to reach that unit in the darkness without communication might get them caught in a crossfire. They would rest until daybreak. As Davis started to nap, a sniper's bullet pierced his sleeping bag and grazed his head. He tried again to sleep.

By first light there was still no radio contact with Fox Company and Davis

feared the unit had been overrun. Then came word from his radio operator: Colonel, he announced, we have Captain Barber on the radio.

As the two officers talked, still hundreds of yards apart, both fought back tears. Late in the morning, Davis's battalion arrived atop Fox Hill. The Chinese had lost the battle for Toktong Pass.

Within hours, two marine battalions were moving through the pass away from the Frozen Chosin. Many icy miles and more bitter fighting lay ahead before the marines reached the port, but the stand at Toktong Pass had opened the way.

In 5 days, Fox Company had killed 1,000 of the enemy. Only 82 of the 220 marines were able to walk off that hill. In 2 weeks, the first marine division moved over icy roads and ridges through eight Chinese divisions. The Americans brought out all their wounded, their dead, and the equipment. On the way, they killed 25,000 of the enemy. The marines lost 730 of their numbers.

Such is the legacy of GEN Raymond Davis and those brave marines. General Davis received the Medal of Honor, a symbol of unusual human courage above and beyond the call of duty for his valiant efforts during the war. Over 1 million Americans served in Korea, and 131 of those were named recipients of the Medal of Honor. After the general's passing, only 36 of them live to wear it today. That medal is a tribute to perhaps the only thing truly noble in the horror of war.

Although General Davis earned this Nation's highest military honor for valor while on active duty, his service to the country was far from over. Over the last 30 years, in a civilian capacity, General Davis has continued to lead in ways that few other Americans could match. Since his retirement, General Davis became a pillar of the community, working diligently on behalf of all of our Nation's veterans.

Beginning in 1987, first as vice chairman and then later as chairman, General Davis was the one who directed the efforts of the Korean War Veterans Memorial Advisory Board, and it was his determination and personal initiative that led to the approval of the Korean War Veterans Memorial design and its construction and finally its dedication in July of 1995.

The Nation's citizens, and in particular all Korean war veterans and marines and their families, are indebted to Raymond G. Davis for his inspired leadership and service. In war and in peace, as an active duty marine and as a private citizen, GEN Raymond Davis' outstanding courage, unswerving devotion to duty, inspiring leadership, and sound judgment have represented the highest traditions of military service and citizenship. This man was a true American hero.

# NOTICE OF PROPOSED PROCEDURAL RULEMAKING REGULATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached document from the Office of Compliance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE,  
Washington, DC, September 4, 2003.

Hon. TED STEVENS,  
President Pro Tempore, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed procedural rulemaking regulations under Section 303 of the Act for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,  
Chair.

## OFFICE OF COMPLIANCE

### THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995—PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

#### INTRODUCTORY STATEMENT

Shortly after the creation of the Office of Compliance in 1995, Procedural Rules were adopted to govern the processing of cases and controversies under the administrative procedures established in Title IV of the Congressional Accountability Act of 1995 ("CAA," 2 U.S.C. 1401–1407). Those Rules of Procedure were slightly amended in 1998. The existing Rules of Procedure are available in their entirety on the Office of Compliance's web site: [www.compliance.gov](http://www.compliance.gov). The web site is fully compliant with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

Pursuant to section 303(a) of the CAA (2 U.S.C. 1383(a)), the Executive Director of the Office has obtained approval of the Board of Directors of the Office of Compliance regarding certain amendments to the Rules of Procedure. Having obtained the Board's approval, the Executive Director must then "publish a general notice of proposed rulemaking . . . for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal." (Section 303(b) of the CAA, 2 U.S.C. 1383(b).)

#### NOTICE

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record. In addition to being posted on The Office of Compliance's section 508 compliant web site ([www.compliance.gov](http://www.compliance.gov)). This Notice is also available in the following alternative formats: Large Print, Braille. Requests for this Notice in an alternative format should be made to Bill Thompson, Executive Director or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202/724-9250 (voice) or 202/426-1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, SE., Room LA-200, Washington, DC 20540-1999. It is requested, but not required, that an electronic version of any comments be provided on an

accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202-426-1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped postcard with their submission.

Copies of submitted comments will be available for review at the Office of Compliance, 110 Second Street, SE., Washington, DC 20540-1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1383) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure establish the process by which alleged violations of the 11 laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

Explanation regarding the text of the proposed amendments: The text of the proposed amendments shows deletions within italicized brackets, and added text in italicized bold. Only subsections of the rules which include proposed amendments are reproduced in this Notice. The insertion of a series of small dots ( . . . ) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of asterisk ( \* \* \* \* ) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance Web site at [www.compliance.gov](http://www.compliance.gov).

#### PROPOSED AMENDMENTS

##### PART I—OFFICE OF COMPLIANCE

##### Office of Compliance Rules of Procedure

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and as proposed to be amended in 2003.

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